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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,472	03/17/2004	David Bogart Dort	3510-2-14-A	5470
42047	7590	11/10/2005	EXAMINER	
DORT PARTNERS IP PLLC VRBIA DEPT. BOX 66148 WASHINTON SQUARE STATION WASHINGTON, DC 20035			TRAN, DALENA	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/803,472

**Applicant(s)**

DORT, DAVID BOGART

**Examiner**

Dalena Tran

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/21/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Notice to Applicant(s)

1. This application has been examined. Claims 1-5 are pending.

The prior art submitted on 10/21/04 has been considered.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, are rejected under 35 U.S.C. 102(b) as being anticipated by Yeakley (3,872, 423).

As per claim 1, Yeakley discloses a non-negative acceleration control system for use in vehicles and operatively coupled with the acceleration system in a vehicle, wherein non-negative acceleration control system is not capable of causing negative acceleration (see columns 10-11, lines 55-60).

As per claims 2-3, Yeakley discloses control system is externally activated, and control system is activated by receiving a signal from a transmitter located externally to vehicle (see columns 1-2, lines 65-28; columns 4-5, lines 6-9; and column 9, lines 1-55).

4. Claims 4-5, are rejected under 35 U.S.C. 102(b) as being anticipated by Helmcke et al. (3,790,780).

As per claim 4, Helmcke et al. disclose an acceleration control system for a vehicle including: a receiver configured to accept electromagnetic signals (see columns

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3-4, lines 60-52), an activation module coupled with said receiver, wherein activation module generates a signal if receiver detects activation signals (see columns 2-3, lines 10-2), an accelerator control unit coupled with activation module and the acceleration system of vehicle (see columns 4-5, lines 40-5), and wherein activation module includes a signal from a velocity input signal line, signal indicating that the velocity of vehicle has reached a low threshold, activation module incapable of activating accelerator control unit unless velocity of vehicle has reached a low threshold (see columns 4-5, lines 53-5).

As per claim 5, Helmcke et al. disclose wherein module includes an input from a receiver and an input from a velocity signal line, activation module coupled to a power source and a power output, activation module sending power though power output if input from a receiver and input from velocity signal line are present (see the abstract; columns 2-3, lines 10-2; and columns 3-4, lines 60-52).

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

. A.M. Woods (3,188,927)

. T.R. Hawks (3,544,959)

. Proctor (3,750,099)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dalena Tran whose telephone number is 571-272-6968.

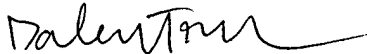
The examiner can normally be reached on M-F 6:30 AM-4:00 PM), off every other Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black can be reached on 571-272-6956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Patent Examiner  
Dalena Tran



November 8, 2005